

Decision 02-11-010 November 7, 2002

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of the Sacramento Regional Transit District for an order authorizing it to construct, maintain and operate a light rail passenger system on a structure over 19<sup>th</sup> Street, Union Pacific Railroad mainline, 20<sup>th</sup> Street, RT spur track, 21<sup>st</sup> Street and 22<sup>nd</sup> Street in the City of Sacramento, County of Sacramento, State of California.

Application 01-10-031  
(Filed October 22, 2001)

**O P I N I O N**

**Summary**

The Sacramento Regional Transit District (District) requests authority to construct, maintain, and operate a light rail passenger system on a structure over 19<sup>th</sup> Street, the Union Pacific Railroad (Railroad) mainline, 20<sup>th</sup> Street, a District spur track, 21<sup>st</sup> Street and 22<sup>nd</sup> Street in the City of Sacramento, Sacramento County. The proposed overpass will be referred to as the Bee Bridge, and is part of the Downtown Sacramento - Folsom Corridor Project.

**Discussion**

The proposed project will add a single track, grade-separated structure, adjacent to the existing single track, grade-separated structure. The Bee Bridge will span four roads and two tracks, and will be a total of approximately 1376 feet long. This project is part of a larger project to extend service out to the City of Folsom.

During construction vehicular traffic will continue under the Bee Bridge, and train traffic will also proceed. All falsework clearances, both horizontal and vertical, will meet the Railroad and the California Public Utilities Commission (Commission) requirements. The vertical clearance during construction will not be less than 21 feet over the Railroad's tracks. At 22<sup>nd</sup> Street the vertical clearance will not be less than 12 feet 6 inches over the roadway. Trucks exceeding 12 feet 6 inches must use the alternate access at 23<sup>rd</sup> or 21<sup>st</sup> Street to access the business across the 22<sup>nd</sup> street crossing. Upon completion of the project, all falsework will be removed and the permanent Bee Bridge structure will have clearances in accordance with General Order (GO) 26-D, except where exempted.

Pursuant to Section 16.2 of Commission GO 26-D, the District requests the authority to deviate from Section 12.1 of GO 26-D at the 22<sup>nd</sup> Street crossing. Section 12.1 of GO 26-D requires a minimum overhead clearance of 15 feet be provided above the surface of the street to the overhead structure.. The District proposes to match the existing structure's clearance of 14 feet. The Consumer Protection and Safety Division's (CPSD) Rail Crossings Engineering Section (Staff) finds that this request is reasonable as the existing vertical clearance is already reduced, and no further reduction of the vertical clearance is being introduced by this request.

The project will be financed by local, state and federal funds. The project is scheduled for completion in mid-2002. No additional or relocation of any existing railroad warning devices will be necessary as a result of this project.

The District is the lead agency for this project under the California Environmental Quality Act of 1970 (CEQA), as amended, Public Resources Code 21000 et. seq. On March 15, 2000, in compliance with CEQA, the District filed its Notice of Determination (NOD) approving this project stating that the project

will have a significant effect on the environment. Mitigation measures were made a condition of approval of the project to eliminate or reduce the impacts to a less-than-significant level.

The Commission is a responsible agency for this project under CEQA (Public Resources Code Section 21000 et seq.). CEQA requires that the Commission consider the environmental consequences of a project that is subject to its discretionary approval. In particular, to comply with CEQA, a responsible agency must consider the lead agency's Environmental Impact Report or Negative Declaration prior to acting upon or approving the project (CEQA Guideline Section 15050(b)). The specific activities that must be conducted by a responsible agency are contained in CEQA Guideline Section 15096.

The Commission has reviewed the District's environmental documentation. The environmental documentation consists of a Final Environmental Impact Statement/Environmental Impact Report (FEIS/EIR), and the NOD for the Downtown Sacramento - Folsom Corridor Project. Analysis of potential environmental impacts included: air quality, noise and vibration, visual changes, safety and security, cultural resources, neighborhoods/businesses, geology and soils, hazardous wastes/materials, water resources/quality, utilities, job creation, vegetation and wildlife, land use, seismicity, and transportation and traffic.

Safety, security, transportation and noise are within the scope of the Commission's permitting process.

Safety and security impacts were identified in the FEIS/EIR. The impacts are related to the addition of the District's facilities, where safety and security will be required. The adopted mitigation measures include the District extending contract security services to include coverage of park-and-ride lots,

stations, and maintenance facilities, and an increase to the existing District law enforcement staff. The District will monitor impacts at major arterial grade crossings and implement operation and signal timing improvements as necessary to minimize vehicle queues that may disrupt other cross street traffic.

Noise impacts were identified in the FEIS/EIR. The impacts identified related to light rail vehicle, power substation, and grade crossing noise. The mitigation measures adopted to address these impacts involve installing sound attenuation barriers, sound-insulating affected residences, modifying train operating procedures, and reducing, to the extent possible, the noise emissions of light rail vehicles through shielding, reprofiling of wheels and other measures.

Transportation and traffic impacts were identified in the FEIS/EIR. The impacts involve the relocation of a bikepath in the City of Folsom, and reduced level of service at several intersections. The adopted mitigation measures include the City of Folsom relocating its bike path, and use of near-side grade crossing indicators where at-grade crossings are adjacent to light rail stations. This will minimize the amount of time the gates are down when trains must stop to load and unload passengers before crossing the roadway. For all but one of the intersections affected, it was determined that the intersections are at their ultimate configuration and no improvements are proposed. For the remaining intersection, mitigation measures include striping to provide a left-turn lane, and a shared right-turn lane.

The Commission's CPSD Staff inspected the site of the proposed project. Staff examined the need for and safety of the proposed crossing separation and recommends that the District's request be granted for a period of two years.

We find that the District provided adequate environmental documentation for the Commission to fulfill its environmental review as a responsible agency under CEQA.

With respect to the potentially significant safety and security, noise and transportation impacts identified above, the Commission finds that the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

Application 01-10-031 meets the filing requirements of the Commission's Rules of Practice and Procedure, including Rule 40, which relates to the construction of a railroad across a public highway, and Rule 41, which relates to construction of a railroad across a railroad.

In Resolution ALJ 176-3075 dated November 8, 2001, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. No protests have been received. The Commission's CPSD recommends that this application be granted. Given these developments, a public hearing is not necessary, and it is not necessary to disturb the preliminary determinations made in Resolution ALJ 176-3075.

This is an uncontested matter in which the decision grants the relief requested. Accordingly, pursuant to Public Utilities Code Section 311(g)(2), the otherwise applicable 30-day period for public review and comment is being waived.

### **Assignment of Proceeding**

Richard Clark is the assigned Examiner in this proceeding.

### **Findings of Fact**

1. Notice of the application was published in the Commission Daily Calendar on October 31, 2001. No protests have been filed.

2. The District requests authority to construct, maintain, and operate a light rail passenger system on a structure over 19<sup>th</sup> Street (083E-1.32), Union Pacific Railroad mainline (083E-1.32), 20<sup>th</sup> Street (083E-1.35), District spur track (083E-1.38), 21<sup>st</sup> Street (083E-1.43), 22<sup>nd</sup> Street (083E-1.52) in the City of Sacramento, County of Sacramento.

3. Public convenience, safety, and necessity require the construction of the Bee Bridge.

4. The District is the lead agency for this project under the CEQA, as amended.

5. The Commission is a responsible agency for this project, and has reviewed and considered the District's environmental documentation upon which the District relied in adopting mitigation measures for the project.

6. On March 15, 2000, the District filed its NOD approving the project and found that the Downtown Sacramento - Folsom Corridor Project would have a significant effect on the environment for which mitigation measures were adopted to eliminate or reduce the impacts to a less-than-significant level.

7. Safety, security, transportation and noise are within the scope of the Commission's permitting process.

8. The District provided adequate environmental documents for the Commission to fulfill its environmental review under CEQA.

9. The Commission finds that for each potentially significant impact related to safety, security, transportation, or noise, the District adopted feasible mitigation measures to either eliminate or substantially lessen those impacts.

10. The District requests exemption, pursuant to Section 16.2 of GO 26-D, from Section 12.1 of GO 26-D at 22<sup>nd</sup> Street.

**Conclusions of Law**

1. The application is uncontested and a public hearing is not necessary.
2. The District's request for exemption from Section 12.1 of GO 26-D at 22<sup>nd</sup> Street is reasonable.
3. The application should be granted as set forth in the following order.

**O R D E R**

**IT IS ORDERED** that:

1. The Sacramento Regional Transit District (District) is authorized to construct, maintain, and operate a light rail passenger system on a structure over 19<sup>th</sup> Street (083E-1.32), Union Pacific Railroad (Railroad) mainline (083E-1.32), 20<sup>th</sup> Street (083E-1.35), District spur track (083E-1.38), 21<sup>st</sup> Street (083E-1.43), 22<sup>nd</sup> Street (083E-1.52) in the City of Sacramento, County of Sacramento.
2. Clearances shall be in accordance with General Order (GO) 26-D; except during the period of construction, and at 22<sup>nd</sup> Street as follows:
  - a. During construction a vertical clearance of not less than 21 feet above top of rail shall be authorized over the Railroad mainline, and not less than 12 feet 6 inches over 22<sup>nd</sup> Street. The Railroad shall be authorized to operate with such reduced overhead clearance provided that instructions issued by Railroad are filed with the Commission's Consumer Protection and Safety Division (CPSD) limiting the height of loads beneath the structure. Trucks exceeding 12 feet 6 inches must use the alternate access at 23<sup>rd</sup> or 21<sup>st</sup> Street to access the business across the 22<sup>nd</sup> street crossing.
  - b. The District is granted exemption, pursuant to Section 16.2 of GO 26-D, from Section 12.1 of GO 26-D at 22<sup>nd</sup> Street. Final vertical clearance may not be less than 14 feet.

3. The District shall notify CPSD and Railroad at least 15, but not more than 30, days in advance of the date when the temporary impaired clearance will be created.

4. Walkways shall conform to GO 118. Walkways adjacent to any trackage subject to rail operations shall be maintained free of obstructions and shall be promptly restored to their original condition in the event of damage during construction.

5. Construction and maintenance costs shall be borne in accordance with an agreement that has been entered into between the parties. A copy of the agreement shall be filed by the District with the CPSD prior to construction. Should the parties fail to agree, the Commission will apportion the costs of construction and maintenance by further order.

6. Prior to construction, the District shall file with the Rail Crossings Engineering Section (Staff) of CPSD final construction plans.

7. Within 30 days after completion of the work under this order, the District shall notify the Staff of CPSD in writing, by submitting a completed standard Commission Form G (Report of Changes at Highway Grade Crossings and Separations), that the authorized work was completed.

8. This authorization shall expire if not exercised within two years unless time is extended or if the above conditions are not complied with. Authorization may be revoked or modified if public convenience, necessity, or safety so require.

9. This application is granted as set forth above.

10. Application 01-10-031 is closed.

This order is effective today.

Dated November 7, 2002, at San Francisco, California.



LORETTA M. LYNCH  
President  
HENRY M. DUQUE  
CARL W. WOOD  
GEOFFREY F. BROWN  
MICHAEL R. PEEVEY  
Commissioners